

Senate Bill 341
February 19, 2013
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Senate Fish and Game Committee

SB 341 establishes criteria and process for new fish and wildlife transplants as well as augmentations to existing populations. Respecting the sponsor's intent to expand opportunity for landowner notice and input, this bill would hamper if not preclude most fish and wildlife releases to include fish plantings of public waters.

The requirement for written permission from all landowners prior to any transplant essentially grants veto power to any landowner within the transplantation or augmentation area even if the area is dominated by public land or the majority of private landowners are supportive. This means some established populations could be allowed to persist at low levels or die out if new landownership does not endorse an augmentation. For example, we see opposition to fish transplants by water skiers who don't want to share a lake.

There are currently efforts to augment grizzly bears in the Cabinet/Yaak ecosystem. Given these releases are part of ongoing recovery efforts, this bill potentially impacts grizzly bear delisting. The same concept applies to other federally listed or candidate species including cutthroat trout and Arctic grayling. In the case of the Cabinet Yaak, that process underwent a significant EA process.

It is not clear how this bill addresses grizzly and black bear releases in response to conflict. It is not clear if this bill would require landowner agreement for every bear that would get moved. If this bill includes these efforts, FWP cannot complete the bill's process prior to this year's conflict season. Given the immediate implementation date, any bear movements in response to conflict would presumably be halted. In the case of grizzlies, this could impact delisting efforts.

Annual fish stocking efforts are already being planned for fish now within the hatchery system. Even if addressed programmatically the bill's process steps could not be achieved prior to the planting season. In that event, millions of fish would need to be culled. Annually, approximately 1,500 fish stocking events occur into 775 unique public waters, which is equivalent to more than 50 million fish and 25 different species. The majority of these stockings are to provide for increased angling opportunity in addition to native species restoration efforts. Environmental review is conducted for any new species stocked into new water, and all native species restoration projects all undergo some level of environmental review. Additionally, all fish hatcheries have annual fish health certification, all importations are required to have fish health certification and all transplantations from the wild are also disease tested. Pheasant releases under the Upland Game Bird Enhancement Program would also be impacted by this bill as well as turkey transplants and other game species augmentations.

FWP currently undertakes a full MEPA (EA/EIS) process for any new transplant (fish or wildlife). That process includes a full public review and comment component. This process works. Having to revisit the issue with every subsequent augmentation is impractical and enters uncertainty to any transplant/augmentation effort.

FWP does recognize and appreciate the time and opportunity offered by the sponsor for agency review and input on this bill and understands the intent to broaden public inputs and reflect those inputs into management decisions. While the focus may be some relatively few fish and animal movements, there are also many innocuous and widely supported releases this bill knowingly or otherwise impacts. At this time, effective amendments that span the many real circumstances are not clearly visible.

For these reasons, FWP requests a DO NOT PASS for SB 341.